

### **REMARKS**

Applicants respectfully request reconsideration and allowance of the present application. Currently, claims 1-3, 6-7, 9-10, 14-15, and 42-50 remain pending in the present application, including independent claim 1.

The Office Action rejected independent claim 1 under 35 U.S.C. § 103 in view of U.S. Publication No. 2003/0118837 of Modha, et al.<sup>1</sup> in combination with U.S. Pat. No. 5,160,790 of Elton. However, Applicants respectfully submit that independent claim 1 is patentable over the cited references.

Modha, et al. is directed to an elastomeric article that contains a polyurethane donning layer and a silicone emulsion lubricant. Specifically, the glove contains a substrate body, a donning layer that contains a water-soluble polyurethane, and a lubricant formed from a silicone emulsion. The glove is configured such that the donning layer (polyurethane layer) overlies the substrate body and the lubricant (silicon emulsion) overlies the donning layer.

However, Modha, et al. fails to teach or even suggest the presence of a crosslinked hydrogel network within which is retained an active agent capable of imparting a benefit to a user, as required by independent claim 1. The Office Action states that it would have been obvious combine the use of the polyurethane and polyvinylpyrrolidone (PVP) layer of Elton in the glove of Modha, et al. Apparently, the Office Action is attempting to substitute the polyurethane and polyvinylpyrrolidone (PVP) layer of Elton for the polyurethane donning layer of Modha, et al.

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<sup>1</sup> Modha, et al. is available only under 35 U.S.C. § 102(a) and (e) on its face. Applicants do not admit nor acquiesce to the status of Modha, et al. as a valid prior art reference under any section of 102.

Even if this modification is achieved, absent any rationale or suggestion to do so, such a polyurethane and polyvinylpyrrolidone (PVP) layer would still be coated with a silicone emulsion as expressly taught and required by Modha, et al. Thus, the PVP containing layer would not form a “user-contacting surface” of the glove. In fact, Modha, et al. discloses that this lubricant (which overlies and the donning layer) contacts the body of the user during use. (Pg. 2, paragraph 24). In stark contrast, independent claim 1 requires that the coating (comprising a crosslinked hydrogel network) overlie the inner surface of the substrate body and define a user-contacting surface of the glove.

One of ordinary skill in the art would recognize that modifying the polyurethane layer of Modha, et al. to be the user-contacting surface of the glove would render the glove of Modha, et al. inoperable for its intended purpose, since the lubricant coating (i.e., the silicon emulsion) would have to be removed in the attempted modification.

In any event, the polyurethane and polyvinylpyrrolidone (PVP) layer of Elton is not configured to release an active agent upon contact with water. The “antioxidant” disclosed by Elton is included to preventing oxidation of the monomers and the resulting polymers during formation of the polymeric layer (i.e., during polymerization of the polyurethane and PVP). Thus, this additive is included solely for the purpose of preventing oxidation of the polymer – not for any benefit of the wearer. No disclosure or suggestion exists that the antioxidant – if any remained after the polymerization process – could be released from the polymeric layer to the user.

Due to the deficiencies of the cited references, Applicants respectfully submit that independent claim 1 is patentable over Modha, et al. in combination with Elton.

Applicants also respectfully submit that for at least the reasons indicated above relating

to independent claim 1, the pending dependent claims patentably define over the references cited. However, Applicants also note that the patentability of the dependent claims certainly does not hinge on the patentability of independent claim 1. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of independent claim 1.

Applicants respectfully submit that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Marcetich is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.



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